

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52101 of 2017

Arising Out of PS.Case No. -1769 Year- 2016 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Kumar Jyoti Swarup @ Chotu @ Kumar Jyoti Swaroop @ Chhotu, S/o Ghanshyam Prasad,
2. Jagrnath Prasad @ Jagarnath Sah S/o Late Hanuman Sah,
3. Ghanshyam Prasad S/o Late Hanuman Sah, All are R/o Village- Pakariya Tola Siyarahi Mathiya, P.S.- Jagdishpur, District- West Champaran, at present R/o I.T.I. Colony Jai Prakash Nagar Road No.4, P.S.- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Subhash Prasad S/o Late Hanuman Sah, R/o Village- Pakariya Tola Siyarahi mathiya, P.S.- Jagdishpur, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Complaint Case No. 1769-C of 2016 instituted for the offences under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that both the parties are on litigating term. Petitioner no. 1 has lodged *fardbeyan* on 29.09.2016 against the informant and others, on the basis of which Bettiah Muffasil P.S. Case No. 418/2016 has been registered.



It is alleged that a partition suit has also been filed by the informant and his brothers making petitioner nos. 2 and 3 and others as defendants. There is also allegation that the informant gave Rs. 40,000/- to Petitioner no. 1, but money was not returned.

It has been submitted that there is no any supporting document of taking money by petitioner no. 1. There is no specific allegation against petitioner nos. 2 and 3.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No. 1769-C of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate V, Bettiah (West Champaran), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and



(3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J.)

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